

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARL ROSE,	)	
	)	Civil Action No. 07 - 411
Plaintiff,	)	
	)	Judge Arthur J. Schwab
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
LOUIS FOLINO, <i>Superintendent, S.C.I.</i>	)	
<i>Greene</i> ; DAN DAVIS, <i>Grievance Coordinator</i> ;	)	
MR. MORALES, <i>Property Lieutenant</i> ; B. A.	)	
KIRBY, <i>R.H.U. Lieutenant</i> ; MR. SMITH,	)	
<i>Correction Officer</i> ; MR. KING, <i>Correction</i>	)	
<i>Officer</i> ; MR. H. STEPHENS, <i>Correction</i>	)	
<i>Officer</i> ; MR. HENDERSON, <i>Correction</i>	)	
<i>Officer; individually and in their official</i>	)	
<i>capacities,</i>	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff filed a motion to proceed in forma pauperis and a complaint with the Clerk of Court. On April 6, 2007, the Court granted the in forma pauperis motion and directed the Plaintiff to sign the authorization form that would permit the payment of monthly installments towards the filing fee. Once the authorization is received, the next step would be for the Court to order the United States Marshals to effectuate service on the Defendants. Before that can happen, however, the Plaintiff must provide the Court with a true and correct copy of his complaint for service as well as a separate Notice of Lawsuit and Waiver of Service and a "Process Receipt and Return" form (USM-285) (unless properly completed forms have already been forwarded to the Clerk) **for each defendant.**

The forms required for service can be obtained from the Clerk's Office. On these forms, he must give the full name and complete service address for each individual defendant. If Plaintiff fails

to give the Marshal correct instructions for mailing to any defendant, his claims against that defendant may be dismissed pursuant to Federal rule of Civil Procedure 4 (m).

The copies of the complaint, however, are the responsibility of the Plaintiff. The Court is aware the possibility exists Mr. Rose may not have the ability to make sufficient copies of the complaint<sup>1</sup> or to pay for the reproduction of his filed complaint. Therefore,

**IT IS ORDERED** this 6th day of April, 2007, that Plaintiff Rose provide the Court with a true and correct copy of his complaint for each named Defendant so that proper service might be effectuated no later than May 6, 2007.

**IT IS FURTHER ORDERED** that Plaintiff may, instead of providing copies of his complaint for service, file an amended complaint no later than May 6, 2007. Plaintiff would have to provide service copies of his amended complaint to the Court for each named Defendant. The ability to amend the complaint, however, would give Plaintiff the opportunity to determine what exhibits are essential at this time and, possibly, reduce the financial burden associated with service of process.

**IT IS FURTHER ORDERED** that Plaintiff is allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Lisa Pupo Lenihan  
Lisa Pupo Lenihan  
United States Magistrate Judge

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<sup>1</sup> The Court notes there are 8 Defendants and the Complaint is 255 pages long. The Clerk of Court charges ten cents a page to reproduce the complaint for service, which would make Plaintiff's charge for copying services \$204.00, which would have to be paid in advance.

cc: CARL ROSE  
EL-2814  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370